

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Title 15, United States Code,
 Section 1 (Price Fixing)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on

SHOW DOCKET NO.

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

NIAL E. LYNCH, Assistant Chief, USDOJ, ANTITRUST DIVISION

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Comments:

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

06 MAR 14 AM 9:35

AKZO NOBEL CHEMICALS INTERNATIONAL

 RICHARD W. WILKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CR 06 0160

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

 DATE OF
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

 DATE TRANSFERRED
 TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

PENALTY SHEET

Company: **AKZO NOBEL CHEMICALS INTERNATIONAL B.V.**

Maximum Penalties:

1. A fine in an amount equal to the largest of:
 - A. \$10 Million.
 - B. Twice the gross pecuniary gain derived from the crime.
 - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of probation of at least one year but not more than five years.
3. \$400 special assessment.
4. Restitution.

1 NIALL E. LYNCH (CSBN 157959)
LIDIA SPIROFF (CSBN 222253)
2 SIDNEY A. MAJALYA (CSBN 205047)
LARA M. KROOP (CSBN 239512)
3 Antitrust Division
U.S. Department of Justice
4 450 Golden Gate Avenue
Box 36046, Room 10-0101
5 San Francisco, CA 94102
Telephone: (415) 436-6660

6 Attorneys for the United States
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA)

No. CR

12 v.)

INFORMATION

13 AKZO NOBEL CHEMICALS)
INTERNATIONAL B.V.,)

VIOLATION:
Title 15, United States Code,
Section 1 (Price Fixing)

14 Defendant.)
15

San Francisco Venue

16 The United States of America, acting through its attorneys, charges:

17 I.

18 DESCRIPTION OF THE OFFENSE

19 1. AKZO NOBEL CHEMICALS INTERNATIONAL B.V. is made a defendant on
20 the charge stated below.

21 2. Beginning on or about July 1, 1998 and continuing until on or about December 1,
22 2001, the defendant and coconspirators participated in a combination and conspiracy to suppress
23 and eliminate competition by fixing the price of hydrogen peroxide sold in the United States and
24 elsewhere. The combination and conspiracy engaged in by the defendant and coconspirators was
25 in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of
26 the Sherman Act (15 U.S.C. § 1).

INFORMATION-AKZO NOBEL

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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JSW

CR 06 0160

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and coconspirators, the substantial terms of which were to suppress and eliminate competition by fixing the price of hydrogen peroxide in the United States and elsewhere.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and coconspirators did those things that they combined and conspired to do, including, among other things:

- (a) participating in conversations and meetings to discuss prices of hydrogen peroxide to be sold in the United States and elsewhere;
- (b) agreeing, during those conversations and meetings, to fix prices of hydrogen peroxide to be sold in the United States and elsewhere;
- (c) participating in conversations and attending meetings concerning implementation of and adherence to the agreements reached;
- (d) issuing price announcements and price quotations in accordance with the agreements reached; and
- (e) exchanging information on the sale of hydrogen peroxide in the United States and elsewhere.

II.

DEFENDANT AND COCONSPIRATORS

5. The defendant is an entity organized and existing under the laws of the Netherlands, with its principal place of business in Amersfoort, the Netherlands. During the period covered by this Information, the defendant was engaged in the business of producing and selling hydrogen peroxide in the United States and elsewhere.

6. Various corporations and individuals, not made defendants in this Information, participated as coconspirators in the offense charged herein and performed acts and made statements in furtherance of it.

7. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

TRADE AND COMMERCE

8. Hydrogen peroxide is a chemical compound with strong oxidizing properties that is widely used as a bleaching agent. The same household chemical commonly used as a disinfectant for cuts and scrapes, hydrogen peroxide also has multiple industrial uses, including applications in the electronics, energy production, mining, cosmetics, food processing, textiles, and pulp and paper manufacturing industries.

9. During the period covered by this Information, the defendant and coconspirators manufactured, sold, and distributed hydrogen peroxide in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the defendant and coconspirators produced hydrogen peroxide.

10. The business activities of the defendant and coconspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of California within the five years preceding the filing of this Information.

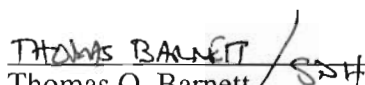
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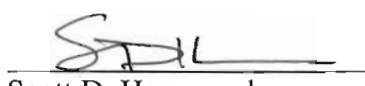
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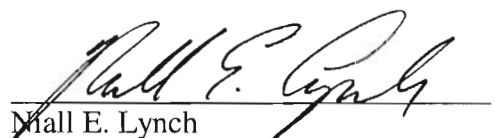
1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

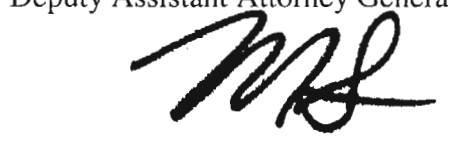
2 Dated: March 14, 2006

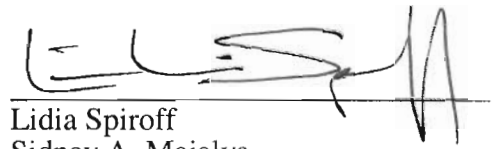
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4 
5 Thomas O. Barnett / *TSB*
6 Assistant Attorney General


Phillip H. Warren
Chief, San Francisco Office

7
8 
9 Scott D. Hammond
10 Deputy Assistant Attorney General



Mall E. Lynch
Assistant Chief, San Francisco Office

11 
12
13 Marc Siegel
14 Director of Criminal Enforcement


Lidia Spiroff
Sidney A. Majalya
Lara M. Kroop
Trial Attorneys

15 United States Department of Justice
16 Antitrust Division

United States Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660

17
18
19 
20 Kevin V. Ryan
21 United States Attorney
Northern District of California